

## REMARKS

Claims 1-21 are pending. Claims 1-3, 5-6, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of LaDue (U.S. 6,185,198) and Marth et al. (U.S. 5,713,072). Applicants gratefully note Examiner's indication of allowance of Claims 11-21, and of allowable subject matter in Claims 4, 7, 8, and 10.

Amended independent Claim 1 now reads, in relevant part: "transmitting the user data via a common channel which contains message type information when the parameter value is lower than the predefined reference value." In contrast, the admitted prior art does not disclose a common channel containing message type information.

In further regard of amended independent Claim 1, LaDue is cited to disclose the process of transmitting data via a common control channel, including "determining a parameter value / length of the message and comparing the parameter value with a predefined reference value / eight 48-bit words" and "transmitting the user data via a common channel when the parameter value is less than the predefined reference value". In contrast to Claim 1, it is respectfully submitted that LaDue does not disclose transmitting user data through a common control channel. Common channels are defined by the inventive disclosure as channels "used in common between one base station and **multiple** mobile stations" (see Application p.3, lines 3-4), as opposed to dedicated channels which are "exclusively used for communication between the base station and the mobile station."

In the Action, the Examiner asserts that the reverse control channel (RECC) is a

common control channel. However, the relevant signaling standard defines RECC as a radio channel used for communication of control and origination messages from a (single) cellular device to a base station (see <http://www.tiaonline.org/standards/sfg/imt2k/cdma2000/TIA-EIA-IS-2000-6-C.pdf>). Thus, the RECC is a dedicated control channel, and cannot be used as a common control channel. Further, LaDue does not mention any capability of the RECC to be used as a common channel (see, e.g., LaDue column 21, line 59 to column 22, line 2, describing use of the RECC with a single cellular device, i.e. as a dedicated control channel), and there is no other control channel in LaDue that could be analogized to the common channel of Claim 1. Therefore, LaDue does not disclose transmission of data via a common channel.

Also with respect to Claim 1, LaDue does not teach comparison of a parameter value specifying an attribute of the generated user data against a predefined reference value as a precondition for transmission of user data. If LaDue is already sending data, LaDue will send multiple bursts of data if necessary to send a long message; however, LaDue does not disclose any comparison of a parameter against a predefined reference value as a precondition for commencing (as opposed to extending) data transmission (see LaDue column 21, lines 61-66, cited by Examiner for the proposition).

Marth is cited as teaching “transmitting data via the RECC when the data is generated in a suspended state”.

Thus, neither LaDue nor Marth cures the deficiencies of the admitted prior art. Therefore, Claim 1 is not made obvious by the admitted prior art in view of LaDue and Marth.

Claims 2-3, 5-6, and 9 depend from independent Claim 1, therefore Claims 2-3, 5-6, and 9 are not made obvious by the admitted prior art in view of LaDue and Marth for at least the reasons that Claim 1 is not made obvious by the admitted prior art in view of LaDue and Marth.

Furthermore, Claim 2 of the present invention reads: “The method as claimed in claim 1, further comprising the step of transitioning to the active state to transmit the user data via the dedicated control channel when the parameter value is higher than the reference value.” In contrast, the admitted prior art does not disclose conditioning the transition to the active state to transmit data on a parameter value being higher than a reference value. The admitted prior art cited by the Examiner (application page 5, lines 4-13) specifies only that generation of data within a time  $T_{hold}$  is a condition for transitioning to the active state to transmit data. This condition clearly is not equivalent to testing for a parameter value to be higher than a reference value. Neither LaDue nor Marth cures the deficiencies of the admitted prior art. Therefore, Claim 2 is not made obvious by the admitted prior art in view of LaDue and Marth.

The application as now presented, containing Claims 1-21, is believed to be in condition for allowance. Allowance is respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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